

III. REMARKS

Claim Rejections - 35 U.S.C. 101 Double Patenting

Claims 11 and 12 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 2 of prior US 6,720,137.

Applicant transmits herewith a terminal disclaimer disclaiming the period after the termination date of US 6,720,137, thus obviating this ground for rejection.

In applicant's response to the prior office action dated May 24, 2007, pursuant to the examiner's rejection at paragraph 5 of the office action, applicant filed a terminal disclaimer with respect to USP 6,720,737. It appears that this was a typographical mistake and that the correct reference was to USP 6,720,137.

Since the disclosure of USP 6,720,737 is completely unrelated to the present technology, applicant withdraws the previously filed terminal disclaimer in favor of the disclaimed with the correct number filed herewith.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Previously cancelled claim 13 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite because the claim recites that the method of claim 11 must further comprise one or more primer pairs from those listed, however it was not clear to the examiner what is meant for a method to comprise a primer pair.

Claim 13 has now been rewritten as claim 16, in accordance with the examiner's suggested amendment, thus obviating this ground for rejection.

Favorable reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 14-1263.

Respectfully submitted,

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